

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:  
My residence, post office address and citizenship are as  
stated below next to my name; that I believe I am the  
original, first and sole inventor of the subject matter which  
is claimed and for which a patent is sought on the invention  
or design **SYSTEM AND METHOD FOR MONITORING AND DIAGNOSIS OF  
VIDEO NETWORK PERFORMANCE**, the specification of which (check  
one):

  X   is attached hereto; or  
           was filed on                      as  
Application Serial No.                       
and was amended on                      (if applicable);

that I have reviewed and understand the contents of the above-  
identified specification, including the claims, as amended by  
any amendment referred to above; and that I acknowledge the  
duty to disclose to the U.S. Patent and Trademark Office all  
information known to me to be material to patentability as  
defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C.  
§ 119 of any foreign application(s) for patent or inventor's  
certificate listed below and have also identified below any  
foreign application(s) for patent or inventor's certificate  
having a filing date before that of the application on which  
priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date</u> <u>Filed</u>	<u>Priority</u> <u>Claimed</u> <u>(Yes) (No)</u>
NONE			

I hereby claim the benefit under 35 U.S.C. § 120 of any  
United States application(s) listed below and, insofar as the  
subject matter of each of the claims of this application is  
not disclosed in the prior United States application(s) in the

manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application  
Serial Number

Date  
Filed

Status

NONE

I hereby appoint:



05073

PATENT TRADEMARK OFFICE

Practitioners at Customer Number

all of the firm of Baker Botts L.L.P., my attorneys and/or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Robert W. Holland  
The above-mentioned Customer  
Number

Direct Telephone Calls To:

Robert W. Holland  
at 512.322.2693  
Atty. Docket No. 021556.0137

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first joint  
inventor

Robert D. Sheldon

Inventor's Signature

Robert D. Sheldon

Date

10/29/01

Residence (City, County, State)

Austin, Travis County, Texas

Citizenship

United States of America

Post Office Address

5 Lost Meadow Cove  
Austin, Texas 78738

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Full name of additional  
inventor, if any

James H. Stephens, Jr.

Inventor's Signature

jr

Date

10 / 30 / 01

Residence (City, County, State)

Austin, Travis County, Texas

Citizenship

United States of America

Post Office Address

Nine Matador Circle  
Austin, Texas 78746

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Filed or Issued: Herewith

Attorney's Docket: 021556.0137

Title: System and Method for Monitoring and Diagnosis of Video Network Performance

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: VTEL Corporation  
Address of Small Business Concern: 108 Wild Basin Road  
Austin, Texas 78746

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled SYSTEM AND METHOD FOR MONITORING AND DIAGNOSIS OF VIDEO NETWORK PERFORMANCE by inventors, Robert D. Sheldon, et al., described in the specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e):

## NONE

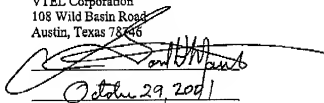
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or my maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Gordon H. Matthews  
Title of Person if other than owner: Chief Intellectual Property Officer  
Address of Person Signing: VTEL Corporation  
108 Wild Basin Road  
Austin, Texas 78746

Signature:

Date:

  
October 29, 2001